

Raised S.B. No. 779

Public Hearing: February 13, 2009  
General Law Committee

Testimony Submitted by Commissioner Gina McCarthy  
Department of Environmental Protection

**Raised Senate Bill No. 779, An Act Providing Consumer Protections to Purchasers of Outdoor Wood-Burning Furnaces**

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The Department of Environmental Protection (DEP) strongly supports Raised Senate Bill No. 779, put forward by the Department of Consumer Protection. This new legislation seeks to require sellers of outdoor wood-burning furnaces (OWFs) to provide potential purchasers in this state with relevant consumer information, including a full disclosure of the current restrictions on siting and operating OWFs in Connecticut, and to give purchasers the right to cancel an OWF contract within three days. The public right to know and rescind is critical, not only because of the record of complaints and violations, but also because these units are localized sources of particulate matter (PM) emissions<sup>1</sup>, and have significant public health implications.

In 2005, responding to concerns about air pollution and health, the General Assembly enacted restrictions on the siting and operation of outdoor wood-burning furnaces in Connecticut. This legislation joined existing regulations to limit the impact of OWF smoke on the environment and to address citizens' complaints. Complaints and field investigations since 2005 reveal that Connecticut's OWF laws remain inadequate. Since the 2005 legislation was enacted, the DEP has recorded 474 complaints about OWFs, resulting in the issuance of 50 notices of violation, and 13 formal orders to discontinue use or modify OWFs. In some cases, siting restrictions make compliance impossible while in others, the cost of coming into compliance is beyond the means of the owner. There are additional situations in which an OWF owner, having expended significant funds for purchase and installation, combined with additional sums in unsuccessful attempts to comply with the regulations, may still be left with no recourse but to discontinue operation. These consumers need to be made aware of the legal requirements and to have the opportunity to contact DEP before they have purchased these products. Senate Bill 779 would make sure that potential buyers in Connecticut are aware of the legal restrictions governing OWF siting and operation before they have completed the purchase and installation of a new OWF unit.

OWF operation produces emissions impacting both the OWF owner and nearby neighbors. OWFs, like all other wood-burning devices, release PM into the air which, when inhaled into the lungs, can aggravate existing heart and lung diseases to cause cardiovascular symptoms, asthma attacks and bronchitis. OWF design generally leads to incomplete combustion, resulting in

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<sup>1</sup> "Particulate matter" or "PM" means any material, except water in uncombined form, that is or has been airborne and exists as a liquid or a solid in the ambient air. RCSA Section 22a-174-1.

frequent periods of excessive smoking and much higher quantities of PM than other wood-burning devices. While some cleaner models are available, the North East States for Coordinated Air Use Management (NESCAUM) has estimated that most OWFs produce at least 20 times more emissions of PM than the current generation of EPA-certified woodstoves. In addition, while fireplaces and wood stoves, used seasonally, may operate for only a few hours a day, OWFs can operate all day and all year when used for both space heating and hot water applications. The negative impacts from OWFs are greatly exacerbated when, contrary to both the 2005 statute and manufacturers' instructions, materials such as household garbage, tires or pressure treated wood (containing highly-toxic arsenic) are combusted. Maine, Massachusetts, New Hampshire, New York, Rhode Island and Vermont have adopted or are in the process of adopting more stringent rules covering OWFs. Unfortunately, Department staff consultation with staff at the Attorney General's Office indicate, DEP does not have the authority to adopt performance standards for these units.

The DEP strongly urges the passage of Senate Bill 779. If the purchasers of home improvement materials, dating services, health club memberships and weight-loss programs all enjoy a three-day right of cancellation, the state should extend the same protection to purchasers of outdoor wood-burning furnaces.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert La France, DEP Legislative Liaison at 424-3401.